

Overview of Pilot Overlay and Preliminary Draft Strategies

Update: At the July 10, 2007 Mayor and Council Study Session, the Mayor and Council directed staff to focus on the pilot overlay as opposed to focusing on the pilot overlay and Neighborhood Preservation Zone. Furthermore, staff was directed to provide the Mayor and Council with a report as soon as possible after the July 26, 2007 NPZ Committee Meeting that includes an accounting of consensus and non-consensus items and an analysis of solution options.

Per the discussion at the June 28, 2007 NPZ Committee meeting and subsequent letter from Jim Mazzocco dated July 3, 2007, please find below staff's preliminary draft proposals. These proposals are framed around the information gathered at previous NPZ committee meetings, Ruth Beeker's compiled information, and proposals developed by committee members outside regularly scheduled committee meetings. Please keep in mind that these are preliminary draft proposals and meant to be a point of departure for further committee discussion. We expect that all points of view will be forwarded to Mayor and Council in the staff report on the outcome of the committee process.

Note: The Issue Category items cited in the sections below refer to input and feedback received at the NPZ Committee meetings and proposals developed by committee members outside regularly scheduled meetings. We attempt to show how these proposals might fit into a policy. For specifics on each item, refer to the companion document ("Issues, Questions, & Suggestions").

I. Overview of the Pilot Overlay

On April 24, 2007, Mayor and City Council passed the following motion:

"Direct staff to develop a pilot Neighborhood Preservation Zone in the University environs area as discussed and described in the communication and in Study Session on 4/17, to return with a status report and the pilot in 90 days on a Study Session in July 2007, to continue the Public Hearing and the consideration of Ordinance No. 10395 to August, 2007, and work with stakeholders on items of consideration such as ones related to Proposition 207"

The following describes the committee process:

- A committee was formed to gather stakeholder input and feedback. Four committee meetings have been held to date with another three meeting scheduled. Input and recommendations has been and will continue to be gathered from the stakeholders regarding the pilot overlay.
- Various stakeholders have taken the initiative of meeting outside the regularly scheduled committee meetings to develop recommendations. These recommendations have been compiled and will be presented to the committee for their consideration.
- Boundaries of the proposed pilot overlay have been developed for consideration by the committee.
- A status report was provided to Mayor and Council on July 10, 2007.
- Staff has developed preliminary proposals that took into consideration the input, feedback, and recommendations from the stakeholders, that are ready for further review, comment, and refinement by the stakeholders.

II. Purpose and Strategies of Overlay

The purpose section lists a preliminary set of draft goals of the pilot area process.

- To re-evaluate the pilot overlay X year(s) after implementation and modify the criteria as needed.
- To ensure new development does not contribute to the deterioration of any historical neighborhood character.
- To allow for development incentives where new development helps stabilize historic neighborhood characteristics.
- To allow for the creation of design and development criteria to ensure the historical character of the neighborhood.
- To reduce negative impacts of student behavior within existing residential neighborhoods.
- To provide for student housing opportunities that are compatible with historic neighborhoods.
- To help ensure there is no decline in the property values and the health, safety, and welfare conditions.

III. Boundaries

The original proposed pilot overlay included the area within two miles of the University of Arizona and was seen by Mayor and Council as a reasonable study area to use as a starting point for the pilot overlay. The land within the boundary of the overlay was reviewed for information and statistics such as historic districts, age of housing stock, neighborhoods with a residential parking permit program, and zoning violations.

Proposed boundaries have been identified based on feedback from Neighborhood Preservation Zone committee members and are described in greater detail below.

*NPZ Committee Meeting -
Group A (6/28/07)*

The boundary of the pilot overlay encompasses 42 registered neighborhood associations that are approximately within two miles of the University of Arizona. A map of the pilot overlay is attached.

IV. Preliminary Draft Strategy Proposals

There are three types of strategies that appear to be emerging from committee input collected on the pilot overlay:

1. Zoning policies
2. Land use planning policies
3. Non-zoning & voluntary initiatives

Preliminary draft proposals for each type of strategy are provided below. The proposed strategies could be initiated separately or in some joint manner.

V. Preliminary Draft Zoning Strategies

Draft Zoning Strategy Proposal #1

Create a mechanism for a design review subarea within the pilot overlay.

Issue Categories A.3.a, c, g, h, i, j, & n; E.3.k; and, F.a

Applicability

Neighborhoods that could qualify as a subarea may be registered neighborhood associations that have status as a National Register Historic District, are eligible for the National Register, or have submitted prior to initiation a local historical context analysis (see details below) approved by the Department of Urban Planning and Design.

Upon meeting this requirement and the initiation requirements described below, a neighborhood could prepare design guidelines using the data from the National Register or local historical context analyses.

Initiation

The initiation of a subarea could require one of the following methods to be reviewed and approved by the Mayor and Council:

- Initiated by Mayor and Council;
- A petition signed by 51% of property owners; or,
- A petition signed by 65% of owner-occupied property owners of a registered neighborhood association within the overlay.

Local Historical Context Analysis

A local historical context analysis would be a report that contains information that indicates special shared attributes of the proposed zone, including architectural characteristics, structure scales and heights, structure setbacks, elements of the streetscape, physical conditions of buildings, age and history of the buildings, and property use history and patterns. The analysis would be reviewed by staff and used by the neighborhood as a basis for their design guidelines. The City could provide some assistance with preparing the analysis, but it is expected that the analysis be conducted largely by the neighborhood.

Process

All the underlying zoning district existing criteria apply to a property, except as modified by the design guideline manual.

A design review process may be created that applies to applicable construction.

Issue Category A.3.a

Design guidelines could be triggered on residentially zoned property only when:

- Redeveloping a lot with a new residential unit;
- Adding a second story; or,
- Increasing the building footprint by 50% or more and changes the appearance as seen from the street must

The design guideline manual may contain architectural guidelines, setbacks, building height criteria for new construction describing how modern and historic architecture should be blended to ensure it fits the historic context of the street scene.

Issue Categories A.3.n, q, r, s, u, & z and E.3.j

The design guideline may also contain privacy mitigation standards when two-story construction will be adjoining a rear yard of a property with a one-story dwelling.

Issue Categories A.3.o, t, u, & v

Development incentives may be included for buildings that are LEED certified.

Issue Categories A.3.ee, ff, gg, & hh

Assessment of Draft Zoning Strategy Proposal #1

Pros:

- Allows neighborhoods to custom tailor regulations that address their unique characteristics and development patterns
- Neighborhoods can choose whether developing subarea regulations is the right approach for them
- Allows the possibility for carrot (i.e. incentives) and/or stick (i.e. more restrictive regulations) approach
- Allows for greater creativity in addressing needs for providing student housing near the university

Cons:

- Time and resource intensive. Requires neighborhood to organize, meet, and develop subarea regulations
- Neighborhood may not have the capacity or organization in place in order to prepare the required historical context analysis or gather enough signatures to get a subarea plan initiated
- May create a more lengthy development review process
- May trigger Proposition 207 challenges

Draft Zoning Strategy Proposal #2

Require an abbreviated local historic context analysis for residential projects within overlay.

Issue Categories A.3.d, h, i, n, w, & z; E.3.j, l, & m

Applicability

Could apply to the R-1 zone.

Initiation

Mayor and Council could adopt an overlay through the rezoning process encompassing the pilot overlay area that requires the above mentioned criteria.

Process

At the time of subdivision plat, development plan, or building permit review, the applicant would have to provide evidence that she conducted a historic context analysis of a specified area similar to the Development Zone area within the current Historic Preservation Zone and identifies in her plan how the proposed building or addition is in historic context with the surrounding area. This context analysis could be similar to the local historical context analysis, but would only be an analysis of those characteristics in the vicinity of the proposed project.

Within the pilot overlay, require residential projects to be compatible and consistent with the prevailing architectural characteristics and development patterns of the surrounding area in their proposed development when:

- Redeveloping a lot with a new residential unit;
- Adding a second story; or,
- Increasing the building footprint by 50% or more and changes the appearance as seen from the street

Assessment of Draft Zoning Strategy Proposal #2

Pros:

- Doesn't require neighborhoods to expend time and resources developing a subarea plan
- Uniform process that applies to all neighborhoods in the pilot overlay
- Doesn't apply to those properties zoned R-2 and R-3

Cons:

- Determining what is in context may be considered subject to interpretation
- Architectural styles within a development zone may not

- be significant.
- May discourage infill development or inadequately address the need for student housing if only the status quo is going to be permitted
- Doesn't apply to those properties zoned R-2 and R-3
- May trigger Proposition 207 challenges

VI. Preliminary Draft Land Use Planning Strategies

The Mayor and Council may adopt several different types of land use policy strategies to encourage land uses that enhance or help meet other development goals with the pilot overlay. This concept may include land use maps showing land use priority areas with accompanying policies.

Policy Types

Adopt an Area Plan – the area plan could cover the pilot overlay and could supplement and/or replace policies in the neighborhood plans it overlays. An area plan requires a public hearing at Planning Commission and approval by Mayor and Council. It also assumes a series of neighborhood/stakeholder meetings that could last a year or more.

Issue Categories A.3.g & x; C.3.a; and, F.b.i

Adopt a plan amendment – there could be one or more plan amendments proposed to existing neighborhood plans that could include land use map and land use policy changes.

Adopt a Special Area Policy – requires a resolution of the Mayor and Council and could be considered an interim policy that may expire or be modified and may be considered for full inclusion in the General Plan at a later date. It only affects rezoning activity that occurs in designated areas of the overlay. It can supplement but does not replace the underlying neighborhood plan.

Issue Categories A.3.g & x and C.3.c

Policy Considerations

Create a land use map that identifies priority areas for mixed use and historic residential neighborhoods.

Issue Category A.3.g & E.3.o

Plan for mixed use and high density housing along major transit corridors and along the modern streetcar line.

Issue Categories A.3.k; C.3.c, f, & i; and E.3.c, d, & o

Take advantage of existing pedestrian paths near the UA campus and plan higher density development to take advantage of walking strategies.

Issue Category C.3.e

Focus on mixed-use developments that attract desirable businesses that support neighborhood commercial needs.

Issue Category E.3.o

Incentives for mixed-use development may be LEED certified buildings, urban open space, affordable housing, and other types of environmental characteristics in site design and building, including urban heat island mitigation.

Issue Categories A.3.ee, ff, gg, & hh and E.3.p

Transitions between existing residential development and mixed use to ensure privacy in rear yards where they abut a multi-story mixed use.

Consider enhancing pedestrian and bicycle connections and paths within the pilot overlay.

Assessment of Draft Land Use Planning Strategies

Pros:

- Land use plan sets framework for where certain types of development are appropriate
- Establishes an updated vision for a neighborhood
- Creates greater certainty and predictability of future development patterns in neighborhood
- Proposed projects that contradict the Area Plan or Special Area policies would have to amend the plan which requires a public hearing and approval of Mayor and Council

Cons:

- Area Plan and Special Area policies cannot prohibit allowable uses or require projects to comply with more restrictive development criteria

VII. Preliminary Draft Voluntary/Non-Zoning Strategy Proposals

This type of policy is not enforceable through permitting, platting, or rezoning activity. It involves agreements among the University, neighborhood associations, and infill developers building in the overlay.

Request of landlords that they inform their renters of the neighborhood goals and inform students of behavior for which they will either be removed or not have a lease renewed. Additionally, create a directory of landlords that would be given to neighborhood associations whereby the neighborhood associations could report problems if they should occur.

Request that the University of Arizona consider using the Tech Park as a site of a satellite campus with a student housing component.

Issue Categories C.3.d, h, & l and D.2.c

Assessment of Draft Voluntary/Non-Zoning Strategy Proposals

Pros:

Addresses concerns with student housing that cannot be remedied through zoning and/or land use policies

Cons:

Not enforceable

Implementation is dependent on numerous agencies to cooperate, willingness to participate, and availability of resources